



General Assembly

January Session, 2015

**Committee Bill No. 651**

LCO No. 6072



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING A TEMPORARY HOLD FOR CERTAIN FAMILY VIOLENCE ARRESTEES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-63c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) Except in cases of arrest pursuant to a bench warrant of arrest in  
4 which the court or a judge thereof has indicated that bail should be  
5 denied or ordered that the officer or indifferent person making such  
6 arrest shall, without undue delay, bring such person before the clerk or  
7 assistant clerk of the superior court for the geographical area under  
8 section 54-2a, when any person is arrested for a bailable offense, the  
9 chief of police, or the chief's authorized designee, of the police  
10 department having custody of the arrested person or any probation  
11 officer serving a violation of probation warrant shall promptly advise  
12 such person of the person's rights under section 54-1b, and of the  
13 person's right to be interviewed concerning the terms and conditions  
14 of release. Unless the arrested person waives or refuses such interview,  
15 the police officer or probation officer shall promptly interview the  
16 arrested person to obtain information relevant to the terms and

17 conditions of the person's release from custody, and shall seek  
18 independent verification of such information where necessary. At the  
19 request of the arrested person, the person's counsel may be present  
20 during the interview. No statement made by the arrested person in  
21 response to any question during the interview related to the terms and  
22 conditions of release shall be admissible as evidence against the  
23 arrested person in any proceeding arising from the incident for which  
24 the conditions of release were set. After such a waiver, refusal or  
25 interview, and except as provided in subsection (b) of this section, the  
26 police officer or probation officer shall promptly order release of the  
27 arrested person upon the execution of a written promise to appear or  
28 the posting of such bond as may be set by the police officer or  
29 probation officer, except that no condition of release set by the court or  
30 a judge thereof may be modified by such officers and no person shall  
31 be released upon the execution of a written promise to appear or the  
32 posting of a bond without surety if the person is charged with the  
33 commission of a family violence crime, as defined in section 46b-38a,  
34 and in the commission of such crime the person used or threatened the  
35 use of a firearm.

36 (b) Any person charged with the commission of a family violence  
37 crime, as defined in section 46b-38a, or a violation of an order issued  
38 pursuant to section 46b-15 or subsection (e) of section 46b-38c, shall be  
39 held without bond for a period of twelve hours or until such person is  
40 presented to the Superior Court pursuant to section 54-1g, whichever  
41 is earlier, if a police officer finds at the time of arrest or at any time  
42 prior to the release of such person, any of the following factors: (1) The  
43 use or threatened use of a deadly weapon by the arrested person or a  
44 pattern of prior conduct involving the use or threatened use of a  
45 deadly weapon against the alleged victim or a minor child of the  
46 arrested person or alleged victim, (2) a threat by the arrested person to  
47 seriously injure or kill the alleged victim or a minor child of the  
48 arrested person or alleged victim, or (3) that the arrested person  
49 inflicted a serious physical injury upon the alleged victim or a minor  
50 child of the arrested person or alleged victim.

51     [(b)] (c) If the person is charged with the commission of a family  
52     violence crime, as defined in section 46b-38a, and, at the time of arrest  
53     or any time prior to the release of such person, the police officer does  
54     not find present any of the factors described in subsection (b) of this  
55     section, and the police officer does not intend to impose nonfinancial  
56     conditions of release pursuant to this subsection, the police officer  
57     shall, pursuant to the procedure set forth in subsection (a) of this  
58     section, promptly order the release of such person upon the execution  
59     of a written promise to appear or the posting of such bond as may be  
60     set by the police officer. If such person is not so released, the police  
61     officer shall make reasonable efforts to immediately contact a bail  
62     commissioner or an intake, assessment and referral specialist  
63     employed by the Judicial Branch to set the conditions of such person's  
64     release pursuant to section 54-63d. If, after making such reasonable  
65     efforts, the police officer is unable to contact a bail commissioner or an  
66     intake, assessment and referral specialist or contacts a bail  
67     commissioner or an intake, assessment and referral specialist but such  
68     bail commissioner or intake, assessment and referral specialist is  
69     unavailable to promptly perform such bail commissioner's or intake,  
70     assessment and referral specialist's duties pursuant to section 54-63d,  
71     the police officer shall, pursuant to the procedure set forth in  
72     subsection (a) of this section, order the release of such person upon the  
73     execution of a written promise to appear or the posting of such bond as  
74     may be set by the police officer and may impose nonfinancial  
75     conditions of release which may require that the arrested person do  
76     one or more of the following: (1) Avoid all contact with the alleged  
77     victim of the crime, (2) comply with specified restrictions on the  
78     person's travel, association or place of abode that are directly related to  
79     the protection of the alleged victim of the crime, or (3) not use or  
80     possess a dangerous weapon, intoxicant or controlled substance. Any  
81     such nonfinancial conditions of release shall be indicated on a form  
82     prescribed by the Judicial Branch and sworn to by the police officer.  
83     Such form shall articulate (A) the efforts that were made to contact a  
84     bail commissioner or an intake, assessment and referral specialist, (B)

85 the specific factual basis relied upon by the police officer to impose the  
86 nonfinancial conditions of release, and (C) if the arrested person was  
87 non-English-speaking, that the services of a translation service or  
88 interpreter were used. A copy of that portion of the form that indicates  
89 the nonfinancial conditions of release shall immediately be provided to  
90 the arrested person. A copy of the entire form shall be provided to  
91 counsel for the arrested person at arraignment. Any nonfinancial  
92 conditions of release imposed pursuant to this subsection shall remain  
93 in effect until the arrested person is presented before the Superior  
94 Court pursuant to subsection (a) of section 54-1g. On such date, the  
95 court shall conduct a hearing pursuant to section 46b-38c at which the  
96 defendant is entitled to be heard with respect to the issuance of a  
97 protective order.

98       ~~[(c)]~~ (d) When cash bail in excess of ten thousand dollars is received  
99 for a detained person accused of a felony, where the underlying facts  
100 and circumstances of the felony involve the use, attempted use or  
101 threatened use of physical force against another person, the police  
102 officer shall prepare a report that contains (1) the name, address and  
103 taxpayer identification number of the accused person, (2) the name,  
104 address and taxpayer identification number of each person offering the  
105 cash bail, other than a person licensed as a professional bondsman  
106 under chapter 533 or a surety bail bond agent under chapter 700f, (3)  
107 the amount of cash received, and (4) the date the cash was received.  
108 Not later than fifteen days after receipt of such cash bail, the police  
109 officer shall file the report with the Department of Revenue Services  
110 and mail a copy of the report to the state's attorney for the judicial  
111 district in which the alleged offense was committed and to each person  
112 offering the cash bail.

113       ~~[(d)]~~ (e) No police officer or probation officer serving a violation of  
114 probation warrant shall set the terms and conditions of a person's  
115 release, set a bond for a person or release a person from custody under  
116 this section unless the police officer or probation officer has first  
117 checked the National Crime Information Center (NCIC) computerized

118 index of criminal justice information to determine if such person is  
119 listed in such index.

120 [(e)] (f) If the arrested person has not posted bail, the police officer  
121 or probation officer serving a violation of probation warrant shall  
122 immediately notify a bail commissioner or an intake, assessment and  
123 referral specialist.

124 [(f)] (g) The chief, acting chief, superintendent of police, the  
125 Commissioner of Emergency Services and Public Protection, any  
126 captain or lieutenant of any local police department or the Division of  
127 State Police within the Department of Emergency Services and Public  
128 Protection or any person lawfully exercising the powers of any such  
129 officer may take a written promise to appear or a bond with or without  
130 surety from an arrested person as provided in subsection (a) of this  
131 section, or as fixed by the court or any judge thereof, may administer  
132 such oaths as are necessary in the taking of promises or bonds and  
133 shall file any report required under subsection [(c)] (d) of this section.

134 Sec. 2. Subsection (c) of section 46b-38b of the general statutes is  
135 repealed and the following is substituted in lieu thereof (*Effective*  
136 *October 1, 2015*):

137 (c) No peace officer shall be held liable in any civil action regarding  
138 personal injury or injury to property brought by any party to a family  
139 violence incident for an arrest based on probable cause or for any  
140 conditions of release imposed pursuant to subsection [(b)] (c) of section  
141 54-63c, as amended by this act.

142 Sec. 3. Section 53a-222 of the general statutes is repealed and the  
143 following is substituted in lieu thereof (*Effective October 1, 2015*):

144 (a) A person is guilty of violation of conditions of release in the first  
145 degree when, while charged with the commission of a felony, such  
146 person is released pursuant to subsection [(b)] (c) of section 54-63c, as  
147 amended by this act, subsection (c) of section 54-63d or subsection (c)

148 of section 54-64a, and intentionally violates one or more of the  
149 imposed conditions of release.

150 (b) Violation of conditions of release in the first degree is a class D  
151 felony.

152 Sec. 4. Section 53a-222a of the general statutes is repealed and the  
153 following is substituted in lieu thereof (*Effective October 1, 2015*):

154 (a) A person is guilty of violation of conditions of release in the  
155 second degree when, while charged with the commission of a  
156 misdemeanor or motor vehicle violation for which a sentence to a term  
157 of imprisonment may be imposed, such person is released pursuant to  
158 subsection [(b)] (c) of section 54-63c, as amended by this act, subsection  
159 (c) of section 54-63d or subsection (c) of section 54-64a and  
160 intentionally violates one or more of the imposed conditions of release.

161 (b) Violation of conditions of release in the second degree is a class  
162 A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	54-63c
Sec. 2	<i>October 1, 2015</i>	46b-38b(c)
Sec. 3	<i>October 1, 2015</i>	53a-222
Sec. 4	<i>October 1, 2015</i>	53a-222a

**Statement of Purpose:**

To provide victims of domestic violence who may be in immediate danger with a set period of time to make provisions for their safety.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.  
SEN. BYE, 5th Dist.; SEN. CASSANO, 4th Dist.  
SEN. COLEMAN, 2nd Dist.; SEN. CRISCO, 17th Dist.  
SEN. FLEXER, 29th Dist.; SEN. LARSON, 3rd Dist.  
SEN. MOORE, 22nd Dist.; SEN. WINFIELD, 10th Dist.

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